

EXHIBIT 1

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'A huge slap in the face': Frustrations grow over cheerleading's mishandled sexual misconduct cases

Tricia L. Nadolny and Marisa Kwiatkowski, USA TODAY

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Seated in an interrogation room in a Washington state jail, Lenny Lewis Jr. spun an implausible tale about why he had downloaded child pornography onto his co-worker's laptop. Lewis explained to Kent police that he was sick of working as a cheerleading coach. He wanted to be fired from the gym where he taught tumbling to young athletes – and to ensure he would never again work in the sport.

"There is no way," Lewis said in 2010, "that I would be able to get a job after this in cheerleading."

He was wrong. The criminal justice system did its part by convicting Lewis of attempted possession of child pornography and placing him on Washington's sex offender registry. But Lewis kept coaching, slipping by a Kentucky gym owner who did not make him pass a background check. Then in 2016, Lewis used a fraudulent Social Security number to clear a screening for membership in the U.S. All Star Federation (USASF), the national governing body of competitive cheerleading.

He might still be coaching today if he hadn't run into the gym owner who fired him for downloading child pornography.

Kim Kawachi said she was so alarmed to see her former employee still working in the sport that she picked up the phone in late 2017 and called USASF. When officials there told her Lewis had passed his background check, Kawachi said she drove to the courthouse, copied the records showing his conviction and sent them to USASF.

Months passed, Kawachi said.

Lewis kept coaching.

"It was just like: 'How much more could I possibly give you? Why can't you dig a little deeper on what's going on? Or is this just another thing on your damn desk and you don't want to deal with it?'" Kawachi said.



Lenny Lewis Jr.
COURTESY OF KIM KAWACHI

It was just like, ‘How much more could I possibly give you? Why can’t you dig a little deeper? And what’s going on? Or is this just another thing on your damn desk and you don’t want to deal with it?’

Kim Kawachi, former cheer gym owner in Washington

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A USA TODAY investigation found that USASF has an inherently flawed process for investigating complaints – one with critical gaps that have repeatedly allowed adults accused or even convicted of sexual misconduct to remain around children. Sometimes USASF doesn’t even follow its own procedures, allowing complaints to stall midprocess or delaying action when their policies call for a person to be suspended or banned.

USASF has received hundreds of complaints against people accused of misconduct, such as bullying, financial impropriety and sexual abuse. Yet it has had no staff dedicated full-time to managing those cases, according to a former USASF contractor who said she and the organization’s membership director were the only ones handling that task from 2019 until she left this fall. Ginger Wilczak, the contractor, said she worked just a few hours a week as USASF’s SafeSport case manager – and even that was scaled back during the pandemic in part because of financial constraints. “If I made 10 hours a week, that was an extraordinary week,” she said.

Though experts say sexual misconduct accusations should be acted on immediately, USA TODAY found multiple examples in which USASF paused its process for law enforcement to investigate, taking no steps to warn the cheer community or public.

USA TODAY interviewed nearly two dozen people who expressed frustration with the way USASF handled their concerns, citing the organization’s drawn-out process and lack of communication.



Kim Kawachi, a former cheer gym owner in Washington, fired Lenny Lewis Jr. in 2010 after he downloaded child pornography onto a co-worker’s laptop.

KAREN DUCEY, FOR USA TODAY

Washington gym owner Jeff Mendoza was not banned by USASF until more than a year after the organization received reports in 2018 that he was accused of sexual misconduct, according to records obtained by USA TODAY. Mendoza, who is awaiting trial on two felony counts of sexual exploitation of a minor after he was accused of coercing his athletes to pose for photographs nude and in their underwear, declined to comment. He has pleaded not guilty.

California coach Ryan Carter was reported to USASF and child protective services in late October after families said he had inappropriate contact with multiple female athletes, including slapping them on the butt and sending overly familiar, nonsexual messages, according to documents obtained by USA TODAY. Law enforcement opened an investigation, and Carter has since been fired for messaging athletes after being placed on leave, records provided by a gym official show. But he has not been publicly suspended by USASF. The organization has suspended his membership only internally, the documents show. Carter called the allegations “very fabricated and untrue” and denied being fired or under investigation. Law enforcement did not respond to a request for comment on the status of its investigation.

Texas coach Jorge Martinez was reported to USASF in December 2018 by a gym owner who alleged he had beat up an athlete he was dating while they were at a cheer competition. Martinez did not respond to requests for comment. The gym owner said USASF waited nearly two years to launch an investigation – opening it less than a week after USA TODAY published an article in September about misconduct in cheerleading.

In that report, USA TODAY revealed USASF and USA Cheer, the umbrella organization for all aspects of cheerleading, had failed to ban nearly 180 people who faced charges relating to sexual misconduct of minors while affiliated with the sport. When the newspaper began its investigation, USASF had suspended or banned just 16 people. More than 130 others have since been added to that list.

USASF, which has jurisdiction over more than 2,300 clubs and thousands of athletes, was created in 2003 by Varsity, a for-profit company that dominates the sport. Varsity continues to hold a permanent majority of seats on USASF’s board of directors, and USASF’s president and vice president of events and corporate alliances are Varsity employees.

USASF President Jim Chadwick and Vice President of Membership Amy Clark declined requests to be interviewed for this article.

The organization requires its members to report all allegations of misconduct or abuse. In a statement, USASF said it has received 298 submissions to its online reporting form, more than 80% of which are not related to sexual abuse and maltreatment. It declined to say over what time period those reports were received, how many reports it has received by phone or email, or how many employees are dedicated to handling complaints. USASF also declined to comment on individual cases.

“We are careful to implement a process that is fair to the claimant and fair to the accused,” the organization said in a statement. “Every report we have received has been addressed or is in the intake and investigation process.”



Jeff Mendoza
HANDOUT PHOTO

Help USA TODAY investigate misconduct in cheerleading

If you are an athlete, parent, coach, gym owner or someone else with



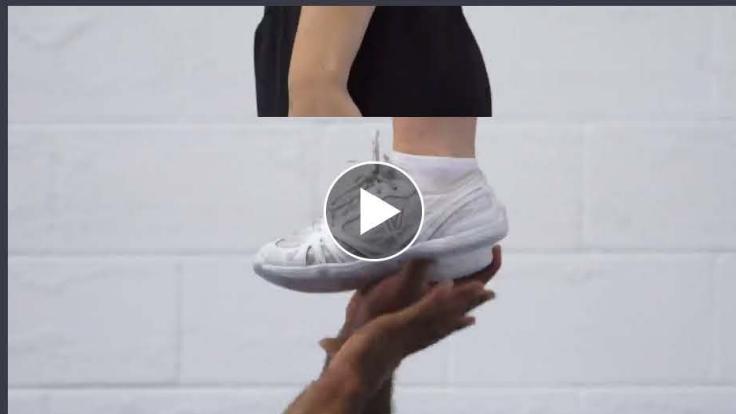
USASF said it doesn't begin its own disciplinary process until any law enforcement action has concluded because it doesn't want to hinder the criminal investigation. It said it follows all mandatory reporting laws.

The organization said not all reports warrant placing a person on USASF's public list of those suspended or banned. Instead, USASF said, "many times" it will remove a coach's USASF eligibility as an internal measure while reviewing an allegation.

But that is an imperfect safeguard. Internally suspending an individual's membership offers no warning to parents or the broader cheer community. And that measure only means that person cannot go backstage or in warm-up areas at USASF competitions – not that they can't continue to coach.

Experts also raised concerns about USASF's online reporting form, the organization's primary mechanism for receiving complaints. That form includes a complex maze of questions that requires the complainant to determine which of three policy manuals applies to their case, then select the policy that was violated. When printed, it is more than 15 pages long.

Dozens of cheer coaches convicted of sex crimes not banned from sport by USASF, USA Cheer (7:04)



USA TODAY finds nearly 180 individuals affiliated with cheerleading who have faced charges relating to sexual misconduct involving minors.

SANDY HOOPER AND ALEXIS ARNOLD, USA TODAY

USA TODAY reviewed the reporting forms for a dozen other organizations where adults interact with kids, including Boy Scouts of America and USA Diving. None were even half as long as USASF's. Some asked little more than who was involved and what happened.

Kelli Hughes, program director of the Center for Child Policy, an initiative that examines youth maltreatment procedures, said she found USASF's reporting form unnecessarily complicated and burdensome. Organizations should make it as easy as possible for people to report suspected abuse, she said, adding that she was disturbed that Clark had previously characterized USASF as a voluntary-membership organization, not a gatekeeper for participation in the sport.

"By adopting that attitude, coupled with a set of policies riddled with loopholes related to child safety, you're also basically cultivating a really safe incubator for sexual abusers to continue to abuse kids," Hughes said.

USASF's ineffective process. She said she has filed complaints about six people with USASF, none of which the organization quickly acted on. In response to one, a USASF official told Rios the organization was "reworking our whole system at the moment."



Texas gym owners Rebecca and Danny Rios said they told USASF in late 2018 that one of their coaches had beat up an athlete at a cheer competition. The owners said USASF did nothing until this summer.

JOEL SALCIDO, FOR USA TODAY

"We've been trying to determine the best way to handle the huge number of reports coming in," the official wrote in an email dated July 22, 2019.

Rios said she followed up with USASF multiple times after reporting Martinez in December 2018. She and her husband, Danny Rios, had fired him from their gym.

But he soon resurfaced at a gym nearby and continues to coach. The Rioses said they have received no update since USASF opened its investigation in September.

"There was just nothing done about it," Danny Rios said. "It just makes you feel like, why are we doing all of this if this guy can go down the street and start coaching? It's just extremely disappointing. It makes our sport look tragic."

“

There was just nothing done about it. It just makes you feel like, why are we doing all of

Danny Rios, co-owner of Stars Vipers Cheer and Tumbling

TWEET



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'There has to be something better'

On paper, USASF's detailed process for investigating complaints includes reporting to law enforcement when needed, assigning an investigator and a review by a committee of independent experts.

Most of the people interviewed by USA TODAY didn't get far into that process. They said they either received no response, a passing acknowledgement or a string of emails and calls that seemed to lead nowhere.

Three women who filed complaints with USASF in July 2019 about popular cheerleading photographer Andrew Escobedo told USA TODAY the organization brushed off their concerns.

The reports, which were obtained by USA TODAY, included varying allegations, including that Escobedo had stolen money from clients, mistreated employees and acted inappropriately toward female athletes. One of the women who filed a report, Dani DesLauriers, told USASF she was in contact with two dozen others with concerns and was willing to provide the organization with any information it needed to investigate.

USASF didn't take her up on the offer — or even respond, she said. DesLauriers said she later learned that USASF said it could not investigate because Escobedo was not a USASF member.

But the governing body's policies contradict themselves on that point. In its complaint resolution process, USASF said it has jurisdiction only over its members. Yet in its SafeSport policy manual, the organization said it has the "authority and jurisdiction" to investigate allegations against anyone employed by a USASF program, even if they are not a member.

Though not a member, Escobedo does have ties to USASF. He has photographed inside USASF gyms and at competitions sanctioned by the organization, including one in March.

Escobedo, in an interview with USA TODAY, acknowledged that he owes money to clients but denied the other allegations. "Absolutely none of that is true," he said. "The refunds, absolutely, that's something I can't deny. I have to man up and face that."

DesLauriers said she was embarrassed and felt she had failed the cheer community when USASF did not take the complaints about Escobedo seriously.

"It was a huge slap in the face to me. I worked so hard and put myself out there to be vulnerable to this," she said. "And then USASF was like, we're not going to bother."



Dani DesLauriers reported allegations against photographer Andrew Escobedo to USASF in 2019. She said she never heard back.

PROVIDED BY DANI DESLAURIES

“

It was a huge slap in the face to me. I worked so hard and put myself out there to be vulnerable to this. And then USASF was like, we're not going to bother.

Dani DesLauriers

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In July 2019, the same month that USASF received the complaints about Escobedo, a Texas woman raised concerns about a USASF member preying on underage girls, including her teenage daughter.

The woman, whom USA TODAY agreed not to name because her daughter is a minor alleging abuse, sent USASF a dozen screenshots of sexually explicit messages that she said Kale Dunlap had sent her daughter and others. She also provided details on two criminal cases Dunlap was facing at the time in Texas on charges of sexual assault and solicitation of a minor.

“He has now posted on his Snap Chat story that he plans on ‘coming after anyone and everyone that screwed my name over,’” the woman wrote in her July 11, 2019, report.

Under USASF’s policy, Dunlap should have been suspended that day. The organization says it will suspend the membership of anyone facing sexual misconduct charges, then make a final determination after the criminal case is resolved. But Dunlap wasn’t suspended.

Six months passed – as the mother repeatedly shared updates with USASF about Dunlap’s criminal cases – before the organization banned him after Dunlap’s conviction for online solicitation of a minor. Dunlap, who also has pleaded guilty to sexual assault charges in another case and is facing at least three more cases, declined through a jail official to be interviewed.

The Texas woman said she was frustrated with USASF’s process.

“There has to be something better in place,” she told USA TODAY.



Kale Dunlap
COLLIN COUNTY
SHERIFF’S OFFICE

Pausing for police

USASF said it does not begin its disciplinary process until law enforcement has completed its own review because it doesn’t want to tip off an accused party, ask questions that could hinder a court proceeding or open the door to a victim being retaliated against.

But that policy deviates from best practices in child welfare.

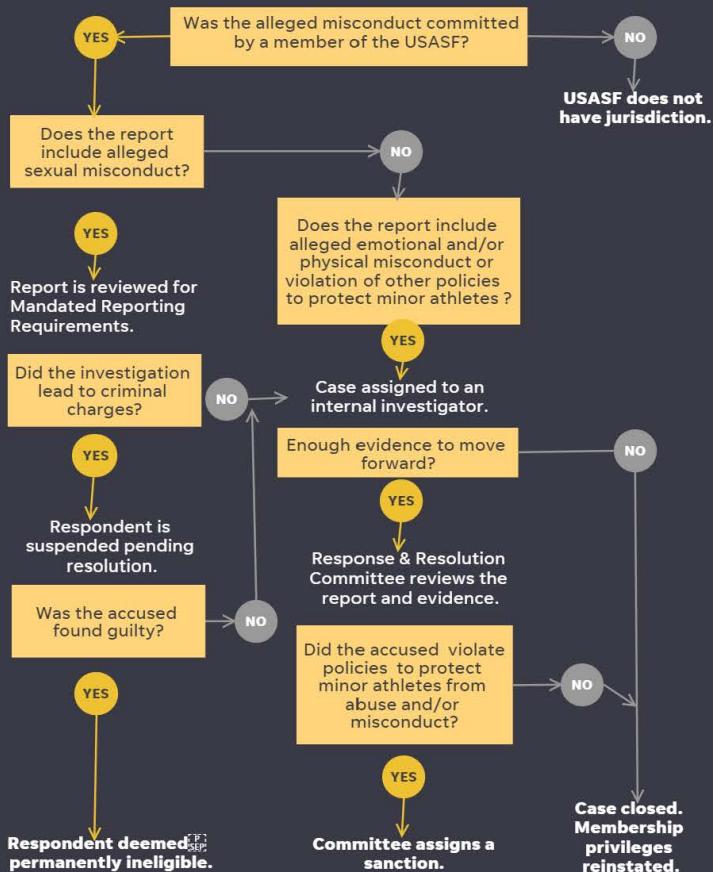
Three experts on child abuse prevention policies told USA TODAY that organizations should immediately assess the nature of any complaint and, if needed, put an interim safety plan in place. Some organizations will remove a person accused of misconduct within a day, they said.

W. Scott Lewis, a partner at legal and risk management firm TNG, said organizations typically will not wait on law enforcement unless explicitly asked to do so.

You don't want to be on the sideline saying, 'Well, we can't do anything'

because law enforcement's doing it," Lewis said. "You want them to have the ability to engage in interim measures or your own investigation, or both."

A summary of the USASF reporting process



SOURCE: USASF records

USASF did not take that path when it received allegations in May that Jerry Harris, star of the Netflix docuseries "Cheer," had solicited explicit photos from minors.

Instead, after ensuring Texas authorities had been notified, the organization waited, saying it would "let the investigation proceed," according to USASF's timeline of events. But there is no indication the agencies that had been notified were investigating at the time. The mother whose sons have accused Harris of abuse told USA TODAY that she had struggled to get the attention of law enforcement until she took the case to the FBI in August.

USASF didn't suspend Harris until September – the day USA TODAY published an article about the allegations against him.





Jerry Harris is facing multiple charges relating to sexual misconduct.

JIM SPELLMAN, GETTY IMAGES

During the four months that USASF waited to take that step, Harris continued to abuse, according to federal court records. Prosecutors said that throughout the summer, Harris repeatedly pressured a 17-year-old boy to send him nude photos and paid him thousands of dollars in return. Harris, 21, is facing multiple charges, including sexual exploitation of children and transportation with intent for illicit sexual conduct. Prosecutors said Harris admitted wrongdoing in an interview with agents. He has pleaded not guilty to the charges. His attorney Todd Pugh did not respond to a request for comment.

Harris' fame grew as USASF waited to take action. Over the summer, he hosted nearly a dozen cheerleading clinics at USASF-member gyms across the Midwest. He was billed as a celebrity coach and interacted with starstruck young athletes.

Darlene Fanning, the ICE All-Stars owner who hired Harris to host the clinics, said it upset her that others knew about the allegations and did not caution her.

"I would have never allowed him in our gym," she said.

'I felt like a case number'

In June, USASF learned that a former cheerleader had come forward with allegations that he had sex with two choreographers when he was 17. Rather than opening its own investigation, USASF told the man he needed to talk to police first.

"In fact, we will not even be able to become involved in any sort of policy/procedure violation review until law enforcement finishes their investigation," Ginger Wilczak, the contractor working for USASF as a SafeSport case manager, wrote the former cheerleader in an email. "And without their investigation, I'm not sure that I can take this further."

The former cheerleader filed a police report in the Ohio town where he said the incident happened. Clark, USASF's vice president of membership, followed up with police herself, encouraging the department to investigate.

"At minimum, we have an alleged perpetrator, who used his position of power and age differential to 'encourage' a 17 year old to come to his hotel room," Clark wrote to police on June 28. "At worse, we have an alleged perpetrator who has demonstrated his modus operandus, and may have done the same thing to additional minor athletes in our sport."

Despite her concern, USASF did not suspend the choreographers – Brandon Hale and Tajii Davis – as police investigated.

The now 22-year-old former cheerleader, whom USA

3355

TODAY agreed not to name because he is alleging abuse, provided USASF with screenshots of conversations in which men he said were Hale and Davis invited him to come meet them at around 1:30 a.m. One of those messages shows him telling Hale that he was 17. He told authorities he knew the men because they had choreographed for his cheer gym when he was 15 and that while he was apprehensive about going to their hotel room, after their repeated requests he did. The former cheerleader said he denied what had happened when confronted by the owner of his cheer gym, who had heard about the incident, because he didn't want to get in trouble. He told USA TODAY he grew more uncomfortable about what had happened as he got older.

Hale and Davis, in separate statements and interviews with USA TODAY, said the cheerleader did not come to their hotel, and both denied having sex with him. Both men pointed out that the screenshots showed the cheerleader declining to meet with them. Hale went further, saying he did not send the messages and they could have been fabricated. Davis did not dispute that the messages from him are real, though he said he does not recall sending them. He said the dating app they messaged on requires users to be 18 or older, and he did not know the cheerleader was only 17.

In July, the former cheerleader said he was told authorities had declined to file charges in the case. He said an official told him the decision hinged in part on the fact that Ohio's age of consent is 16.

Under USASF policy, when the police investigation ended, the organization should have assigned the complaint to its own investigator. That is the next step in determining whether conduct has violated a USASF athlete protection policy, such as rules pertaining to sexual relations between adults and minors in the sport. Instead, seven weeks passed.

On Sept. 21 – three days after USA TODAY published an investigation examining USASF's sparse list of people suspended or banned from the sport – USASF suspended Hale and Davis.

Davis said he was blindsided because USASF had told his employer that he was cleared to return to work after the police investigation concluded. He said he believes USASF opened its own review only because of the media scrutiny and expressed frustration with the process. "They made it up as they went," he said.

The organization hired Kevin McNeil, a former special victims' detective, to investigate.

Hale and Davis were removed from USASF's suspended list four weeks later. That weekend, both men were back in USASF-sanctioned gyms.

No one at USASF told the man who had reported his concern.

He found out from a USA TODAY reporter that Hale and Davis were no longer suspended and then emailed USASF to ask if the case had been closed. Clark replied, and the two scheduled a time to talk. Clark then canceled, saying USASF's attorney would call instead.



Excerpts of a 2016 conversation on a dating app between a now-former cheerleader and two men who he said were Brandon Hale and Tajii Davis. Animated for ease of reading.

MESSAGES PROVIDED BY A FORMER CHEERLEADER WHO REPORTED ALLEGATIONS AGAINST HALE AND DAVIS TO POLICE.
VISUALIZATION BY ALEXIS ARNOLD, USA TODAY.

Four days after the former cheerleader reached out to USASF about the status of his case, USASF attorney Grady Garrison told him the investigation was "a draw." On that call, Garrison provided conflicting information on the status of the investigation, saying USASF had closed the case and gone as far as it could go, then later saying the organization's disciplinary committee might still take action.

The California gym where Davis works also received conflicting information from USASF. A gym official told USA TODAY that Clark informed the gym on Nov. 20 that Davis had again been cleared to return to work. But about two weeks ago, USASF said its investigation was not closed. The gym has since fired Davis.

The former cheerleader said he is confused about whether his case is still open – a feeling he said has been all too familiar while dealing with USASF. He said that throughout the investigation, he has felt like an afterthought.

"I felt like a case number and not a person," he said.

Wilczak, the USASF contractor, said she was saddened to hear he felt that way but understood, taking responsibility for some of the breaks in communication.

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I was so proud of him, so proud of him. Because, you know, it took him a lot to make that report. So I can see why he ended up feeling that way, when he had been so brave and had done exactly what he needed to do, then to have to feel like I'm leaving these messages and no one's getting back.

Ginger Wilczak, former USASF contractor

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"I was so proud of him. So proud of him because it took him a lot to make that report," she said. "So I can see why he ended up feeling that way, when he had been so brave and had done exactly what he needed to do, then to have to feel like I'm leaving these messages and no one's getting back."

USASF declined to comment on the case. It said that, in general, updating the claimant is not part of its process.

'No one was listening'

Months after Kim Kawachi sent USASF Lenny Lewis Jr.'s court records, she said the organization called her with an update.

Kawachi said she was told that Lewis had used the Social Security number of his father, with whom he shares a name, to pass his background check. USASF caught the discrepancy only when the father, a gymnastics coach, applied for his own USASF membership, Kawachi said.

Colleen Long, who at the time owned Tech Gymnastics and All Star Cheer, told USA TODAY she found out Lewis' membership had been revoked when he was turned away at the door of a USASF-sanctioned competition in February 2018. She said she called USASF, looking for details.



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Long said she fired Lewis.

The next month, Lewis was detained at an airport in England, where he said he planned to work with friends at a cheerleading gym. Agents found child pornography on his cellphone, and Lewis was extradited to the United States. Last year, he pleaded guilty to transportation of child pornography and was sentenced to nine years in federal prison. Lewis, through a prison spokesman, declined to be interviewed for this article.

As part of the investigation into that case, agents separately spoke with two men who said Lewis had abused them, years apart, court records show. The first told the agent he was repeatedly molested by Lewis, who was his tumbling coach, when he was a teenager and Lewis was in his early 20s.



At age 17, Jesse Mora exchanged explicit photos with Lenny Lewis Jr., one of his coaches. Mora did not know at the time that Lewis was a registered sex offender who had been convicted in 2011 of attempted possession of child pornography.

MICHAEL CLEVENGER, USA TODAY NETWORK

The second described meeting Lewis in 2016 at a gym in Louisville, Kentucky, after Lewis had been convicted but continued to coach. That man, Jesse Mora, told USA TODAY he was 16 and looked up to Lewis, one of the few openly gay men he knew. He developed a crush on his coach, whose flirtatious messages escalated into exchanging explicit photos when Mora was 17.

Once, Mora said, he spent the night at Lewis' home before a cheer competition. Lewis provided him alcohol, insisted they sleep in the same bed and rubbed Mora's back as he fell asleep. Mora said he and Lewis later texted about having sex but things never went that far.

In time, Mora grew uneasy about the relationship. He said he told other athletes what was happening but they either brushed it off or encouraged it.

"No one was listening at all," said Mora, now 21. "At the end of that season, I

“

That people can get away with being predators and working with younger children when they have these kinds of criminal records – it baffles me. And I really hope that in the future, they really just crack down on it instead of turning a blind eye.

Jesse Mora

TWEET



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About two years later, the federal agent investigating Lewis after his arrest in England called and asked to meet with him. The man opened his computer and clicked through explicit photos that had been found on Lewis' cellphone. Mora identified himself.

Today, he questions how Lewis went undetected for so long. He hopes USASF officials don't dismiss what happened as an anomaly, but see it as part of a bigger problem.

"That people can get away with essentially being predators and working with younger children when they have these kinds of criminal records – it baffles me," he said. "And I really hope that in the future, they really just crack down on it instead of turning a blind eye."

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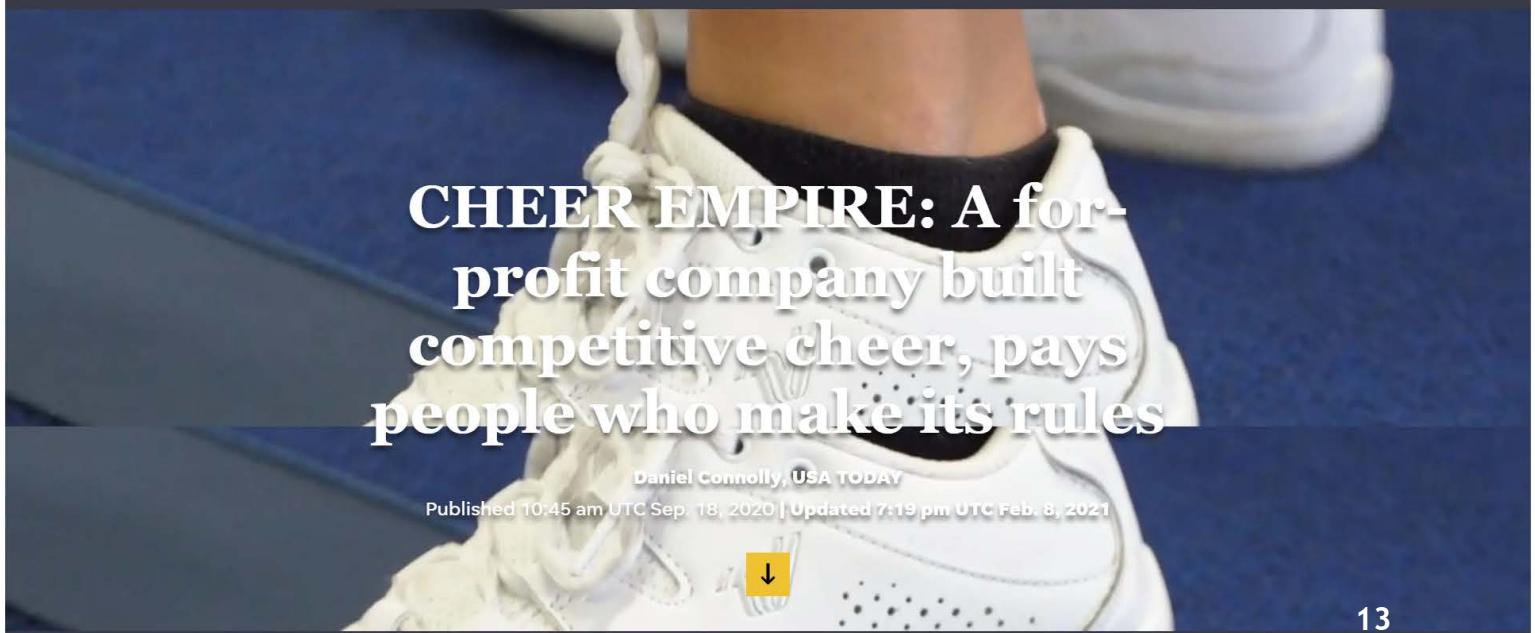
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CHEER EMPIRE: A for-profit company built competitive cheer, pays people who make its rules

Daniel Connolly, USA TODAY

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Modern competitive cheerleading has developed a huge following, and its popularity can be largely traced to one company: Varsity Spirit, based in Memphis, Tennessee. Jeff Webb founded the company in 1974 and helped turn cheerleading into a more athletic endeavor, with a gymnastics-based style featuring high-flying stunts and competitions at Disney World that draw thousands of participants.

But Varsity's imprint on cheerleading extends beyond the clothing, camps and competitions emblazoned with its logo.

Varsity's reach extends inside the organizations that govern the sport.

Two seemingly independent organizations – USA Cheer and the U.S. All Star Federation – regulate issues concerning cheerleading in the United States today. Varsity created and funded both organizations several years ago.

Today, USA Cheer, the national governing body of cheerleading, has no employees of its own. All six of its staff members, including its executive director, are Varsity employees contracted to work for the regulatory body.



Varsity Spirit

Varsity Spirit is a Memphis-based for-profit company that sells cheerleading clothes, organizes cheer & dance camps and runs competitions.

Varsity created USASF in 2003 and currently pays the salary of its executive director and its vice-president of events and corporate alliances. USASF reimburses Varsity for the payments, according to the company.

Varsity created USA Cheer in 2007 and currently pays the salary of its director and all other staffers. USA Cheer reimburses Varsity for the payments, according to the company.



U.S. All Star Federation

This is the rule-making body over the discipline of All Star cheer, which usually runs through privately owned gyms.

USASF is a member of USA Cheer.



USA Cheer

USA Cheer is the nonprofit rule-making body for all aspects of cheer in the U.S., including high school, college, youth and recreational, All Star and more.

Varsity employees also serve as the president and a top vice president of the Memphis-based U.S. All Star Federation, which oversees a discipline of cheerleading that focuses on competition among private gyms. And Varsity-owned companies hold a permanent majority of seats on USASF's board of directors.

The close ties among Varsity and the governing bodies are under legal attack. At least three separate class-action lawsuits against Varsity allege the company uses its dominant market position and influence over the cheer regulators to crush competing cheerleading businesses.

Varsity says the antitrust claims are baseless and that it supports the governing bodies to protect athletes and expand the sport.

TRAILER: Dozens of cheer coaches convicted of sex crimes not banned from sport (1:47)



USA TODAY finds nearly 180 individuals affiliated with cheerleading who have faced charges relating to sexual misconduct involving minors. Go to cheer.usatoday.com for the full documentary.

SANDY HOOPER AND ALEXIS ARNOLD, USA TODAY

The close ties also raise the prospect that Varsity Spirit's corporate interests could influence issues like athlete safety, including sexual abuse complaints.

Concerns about legal liability often drive organizational responses to sexual abuse, said Marci Hamilton, CEO of Child USA, a think tank focused on child abuse prevention.

"If they're concerned about being sued and they're concerned about not having adequate policies, there's a real incentive to hide and to fail to report known abuse," she said. "We see those incentives in the nonprofit world as well, but I think a for-profit organization is going to be even more motivated to make sure they can't possibly be sued."

The flip side is also true, Hamilton said: fear of liability might eventually prompt a for-profit company to conclude strict prevention is in its interest.

A recently filed Texas lawsuit involving alleged sexual misconduct by celebrity cheerleader Jerry Harris against teenage boys makes the link to profit motive.

The suit argues that USASF, Varsity and other defendants had an incentive to present Harris to the public as a safe and trustworthy person "so they could retain past minor athletes, recruit new minor athletes and, thus allowing donations and tuition to continue flowing into their coffers for financial gain."



Varsity Spirit has their own line of footwear for competitive cheerleading.

SANDY HOOPER, USA TODAY

Nicole Lauchaire, a Varsity Spirit senior vice president, said the company's profit motive has no bearing on how it handles athlete safety concerns.

Lauchaire said Varsity places athlete safety front and center, so much so that the goal of safety – particularly prevention of serious injuries – is why it created regulatory organizations to oversee cheerleading, beginning in 1987.

"We thought very early on that oversight and rules and regulations were needed," she said. "And both those organizations are very much focused on the safety of athletes and athlete protection. And we share in that mission. We are basically all made up of cheerleaders and former coaches and it's our top priority to keep cheerleading safe."

Help USA TODAY investigate misconduct in cheerleading

If you are an athlete, parent, coach, gym owner or someone else with a connection to cheer, we want to hear your story.



Tell us your story

The class-action lawsuits attack the idea that the cheerleading regulators are independent entities.

"I don't think they are separate. I think that they're totally dictated and run by Varsity. That's the problem," said Robert Falanga, an Atlanta-based lawyer leading one of the cases.

In 2011, for instance, the USASF issued a letter that said its members must not attend any non-Varsity competition that claimed to be a world championship or international championship. Anyone who violated the rule could not attend Varsity's world or international events.

That decision elevated the world championships that Varsity promoted and hurt rivals trying to host alternative competitions, Falanga said.

It's an unfair advantage. They use USASF 3362 USA Cheer to their advantage. They are an arm of their business and they use it as such. They should not run it that way. It should

be totally independent of any company for profit.

Robert Falanga, Atlanta-based lawyer

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"It's an unfair advantage," he said. "They use USASF and USA Cheer to their advantage. They are an arm of their business and they use it as such. They should not run it that way. It should be totally independent of any company for profit."

Varsity Spirit spokeswoman Jackie Kennedy confirmed that Varsity pays salaries for all USA Cheer's staffers, including Executive Director Lauri Harris, and two staffers at USASF, President Jim Chadwick and Steve Peterson, Vice President of Events/Corporate Alliances. She said the organizations then reimburse Varsity for the payments as part of an administrative agreement.

1	<p style="text-align: center;"><u>DECLARATION OF JIM LORD</u></p> <p>2 I, Jim Lord, do declare as follows:</p> <p>3 1. I am the Director of Education and Programs of USA Federation for Sport Cheering</p> <p>4 ("USA Cheer"), one of the defendants in the above-entitled action. The following statements are</p> <p>5 within my personal knowledge. If called as a witness, I could and would testify competently</p> <p>6 thereto. I make this declaration in support of USA Cheer's Motion to Quash the Service of</p> <p>7 Summons.</p> <p>8 2. USA Cheer is a non-profit, Texas organization with its headquarters in Memphis,</p> <p>9 Tennessee, which serves as the National Governing Body ("NGB") for Sport Cheerleading.</p> <p>10 3. USA Cheer does not have any employees. USA Cheer contracts with Varsity Spirit</p> <p>11 LLC, a Tennessee entity with its headquarters in Tennessee, to use Varsity Spirit's employees, as</p> <p>12 necessary, to render services for USA Cheer.</p> <p>13 4. I started providing services to USA Cheer in March 2018 after USA Cheer acquired</p> <p>14 certain assets and liabilities from the American Association of Cheerleading Coaches and</p> <p>15 Administrators ("AACCA"). Prior to working for USA Cheer, I worked for AACCA as its</p> <p>16 Executive Director from 1987 until the acquisition.</p>
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A screen shot of a declaration by Jim Lord, director of education and programs for USA Cheer. The declaration comes from the lawsuit *Melissa Martin vs. The Regents of the University of California et al.*, filed last year in the Superior Court of the State of California, Alameda County. The case has to do with a concussion injury to a cheerleader. The declaration is dated Nov. 21, 2019.

COURT RECORDS

In an emailed statement, Kennedy wrote that Varsity has "tried to help USASF and USA Cheer develop as organizations. We see this as not only the right thing to do and a shared responsibility for the broader cheer community, but as an investment that leads to greater safety, structure, and growth for cheer as a sport."

Creating a company - and a sport

Webb, himself a former cheerleader, incorporated his own company in 1974 in Dallas before ultimately moving it to Memphis. Webb called his company the Universal Cheerleaders Association and later adopted the name Varsity Spirit.

A series of mergers helped Varsity acquire other cheer businesses and expand into other products, including class rings and yearbooks under the Herff Jones brand name, and a wide range of sporting goods under the



A 2008 portrait of Jeff Webb.

MIKE MAPLE

Bain Capital Private Equity, the private investment firm, bought Varsity Spirit and associated companies in 2018 in a deal valued at roughly \$2.5 billion, CNBC reported.

Today, the decisions that Varsity and its affiliates make about their governing structure and policies impact cheerleaders and parents across the U.S.

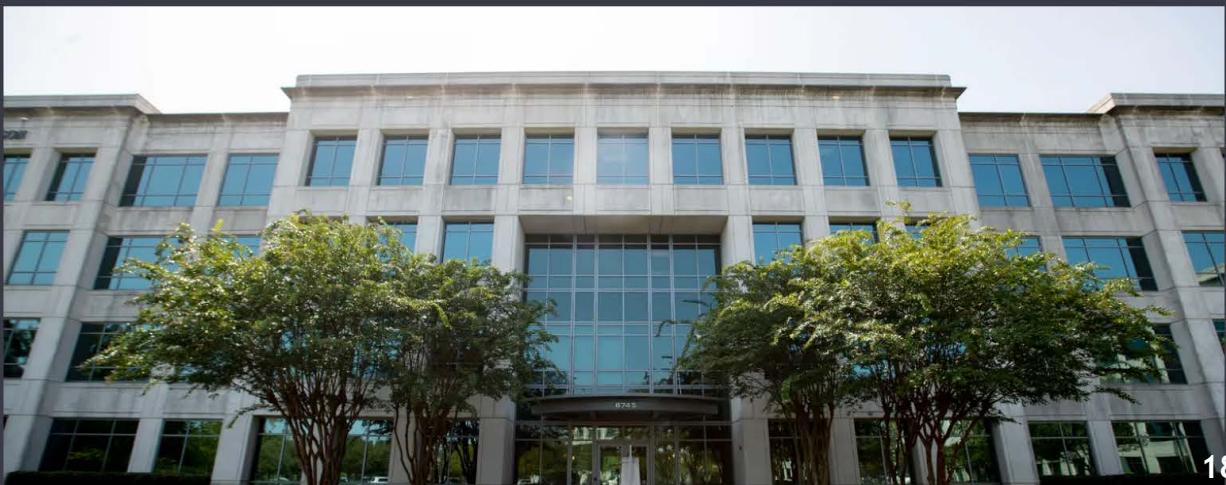
Although the headquarters for parent company Varsity Brands Holding Co. is based in a Dallas suburb, the cheer business remains in Memphis.

Currently housed in an office park in suburban East Memphis, the company has announced plans to move its headquarters and about 250 employees to the former American Snuff Factory building in the city's Uptown neighborhood, near the Mississippi River.

Now in his early 70s, Webb has stepped down as CEO and serves as chairman of Varsity Spirit and also president of the International Cheer Union, another entity backed by Varsity.

In 2003, Varsity used a no-interest loan to launch the U.S. All Star Federation, or USASF, to oversee the sport of club cheer.

In 2007, Varsity provided no-interest loan funding to launch another organization, the USA Federation for Sports Cheering, or USA Cheer. It's meant to be a national governing body for all aspects of the sport and to facilitate its eventual inclusion in the Olympics. Webb was the organization's first president.





Varsity Spirit on Tuesday, Sept. 15, 2020, in Memphis.

MAX GERSH / THE COMMERCIAL APPEAL

Both organizations formerly listed Varsity's corporate address in Memphis as their own. USASF moved out a few years ago to another office in Memphis, while USA Cheer used the Varsity address as recently as its 2018 tax return. It is in the process of changing to a Dallas address, said Kennedy, the Varsity spokesperson.

Varsity employees currently hold six out of 15 seats on USA Cheer's board. Meanwhile, the USASF bylaws give Varsity employees a permanent majority on the organization's governing board.

The bylaws mandate that the board can have no more than 13 seats, and that